

In the Matter of PACIFIC GAS AND ELECTRIC COMPANY and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Case No. 20-R-1009.—Decided March 11, 1944

Mr. Thomas J. Straub, Miss Anne McDonald, and Mr. J. Paul St. Sure, of San Francisco, Calif., for the Company.

Mr. Charles W. Mason and Mr. James Kelly, of San Francisco, Calif., for the I. B. E. W.

Mrs. Augusta Spaulding, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by International Brotherhood of Electrical Workers, herein called the I. B. E. W., alleging that a question affecting commerce had arisen concerning the representation of employees of Pacific Gas and Electric Company, San Francisco, California, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before John Paul Jennings, Trial Examiner. Said hearing was held at San Francisco, California, on January 31, 1944. The Company and the I. B. E. W. appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues.¹ The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

¹ During the course of the hearing, the Company and the I. B. E. W. stipulated that certain designated portions of the record in Cases Nos R-5566 and 5567 (20-R-864 and 20-R-865), prior consolidated representation proceedings involving employees of the Company, should be incorporated into, and deemed and considered part of, the record in the instant proceeding. In accordance with the stipulation, the certain portions of the record in Cases Nos. R-5566 and 5567 (20-R-864 and 20-R-865) designated by the parties are hereby made, and are, part of the record in the instant proceeding. *Matter of Pacific Gas and Electric Company*, 51 N. L. R. B. 301.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Pacific Gas and Electric Company is engaged in the business of generating, buying, transmitting, selling, and distributing electric energy, of buying, transporting, selling, and distributing natural gas, and of manufacturing, transporting, selling, and distributing manufactured gas. All such gas and and electricity is used for light, heat, and power purposes in central and northern California. As an incident to its gas and electric business, the Company sells gas and electric appliances at retail. It distributes and sells water in certain small cities and towns in rural areas for domestic irrigation purposes. It produces and sells steam in Oakland and San Francisco, California, and it operates a streetcar and bus system in Sacramento, California.

The Company owns and operates 50 hydroelectric generating plants and 13 steam electric generating plants, all of which are situated in the State. The Company owns and operates in the State a transmission pipe-line system, including a large gas compressor station, for the transportation of natural gas in central and northern California. It owns and operates 14 gas manufacturing plants, all of which are situated within the State.

A large number of manufacturing industries, including war industries, situated in the area served by the Company and engaged in shipping and receiving commodities in interstate or foreign commerce, are wholly dependent on the Company for gas and electric power essential to the operation of their plants. The United States Government purchases large quantities of electricity and gas from the Company for the purpose, among others, of operating its numerous post offices and military installations in California. The Company supplies power to newspapers, to the Associated Press, to the San Francisco and Oakland airports, to the Dow-Jones & Company ticker service, to oil refineries, to shipbuilding and repair concerns, to steamship lines, to navigation aides, and to interstate railways, telegraph and telephone companies, and radio broadcasting stations.

II. THE ORGANIZATION INVOLVED

International Brotherhood of Electrical Workers is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On July 13, 1943, in the prior consolidated representation proceedings cited in footnote 1 above, the Board found that all office and clerical employees of the Company in the Coast Valleys Division, excluding officials, executive officers, chief clerks, all supervisory employees within our usual definition of that term, and all employees in the outside forces, constituted an appropriate bargaining unit, and directed that an election be held among them to determine whether or not they desired to be represented by the I. B. E. W. for the purposes of collective bargaining. Of 36 valid votes cast in the election, 18 were cast for and 18 against the I. B. E. W., and on August 26, 1943, the Board dismissed the petition filed therein. Thereafter, the I. B. E. W. asked the Company for recognition as exclusive bargaining representative of these employees, and the Company refused recognition on the ground that the only unit of its employees appropriate for collective bargaining was a system-wide unit coextensive with the Company's public utility operations.

A statement prepared by the Field Examiner and introduced into evidence at the hearing indicates that the I. B. E. W. represents a substantial number of employees in the unit herein found appropriate for bargaining.²

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the National Labor Relations Act.

IV. THE APPROPRIATE UNIT

The I. B. E. W. contends that office and clerical employees of the Company in the Coast Valleys Division, excluding officials, executive officers, supervisory employees within our usual definition of that term, and all employees in the outside forces, constitute an appropriate bargaining unit, and the Company takes the position that a system-wide unit, coextensive with its public utility service, is the only appropriate bargaining unit for its employees.

As noted in Section III, above, we found, in prior representation proceedings involving the Company's employees, that the unit presently proposed by the I. B. E. W. was an appropriate bargaining unit. So far as the record discloses, there has been no material change in the Company's operations affecting its employees. We see no rea-

² The I. B. E. W. submitted 26 membership application cards. The cards do not provide for application date, but provide instead for date of initiation. Twenty of the 26 cards are undated, due to the fact that the applicants have not yet been initiated. The petitioner stated to the Field Examiner that the 20 undated cards were signed within the 6 weeks immediately preceding the filing of the petition in this proceeding and that the 6 initiated employees have continued their membership since August 12, 1943, and were members of the Union in good standing.

There are approximately 55 employees in the appropriate bargaining unit.

son to change our former finding with respect to the bargaining unit appropriate for office and clerical employees in the Coast Valleys Division.

We find that all office and clerical employees of the Company in the Coast Valleys Division, excluding officials, executive officers, chief clerks, all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees under them or effectively recommend such action, and all employees in the outside forces, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among employees of the Company in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Pacific Gas and Electric Company, San Francisco, California, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Twentieth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees of the Company within the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by International Brotherhood of Electrical Workers, for the purposes of collective bargaining.